

# INSTRUCTIONS & CHECKLIST

## PACKET “H” -- PERMANENT PARENTING PLAN

### I. PETITIONING FOR A PERMANENT PARENTING PLAN:

There are LOTS of forms that will need to be completed. Take it step-by-step-- in order -- and it should make it easier for you. On the top half of the first page of every court document there is a “**heading**” which identifies the party completing the form and a “**caption**” which sets out the case description. Fill out the heading and caption on every form. Because you filed this action, **YOU ARE THE PETITIONER.**

#### STEP 1. -- Filling Out The Forms

- ☐ Form #120 Fill in every section. Sign page 9 in two places in front of a notary public.  
\*\*\* Please note: The Clerk of Court’s Office cannot notarize these documents. One can be found at banks, law offices, etc.
- ☐ Form #121 Fill in every section. Sign on pages 10 & 11 in front of a notary public. If you need assistance developing a parenting plan, consult Rule 33 of Local Rules of Practice, 21st Judicial District, which can be found via internet at: [http://www.co.ravalli.mt.us/courts/court\\_dist\\_judge\\_rules.htm](http://www.co.ravalli.mt.us/courts/court_dist_judge_rules.htm)  
  
If you need help with the computation of child support payments, check the following website for more information and an application:  
<http://www.dphhs.state.mt.us/aboutus/divisions/childsupportenforcement/index.shtml>  
OR - an application packet may be purchased at the Clerk of District Court’s office.
- ☐ Form #122 Complete and sign.
- ☐ Form #123 Complete caption and read. This is for the Clerk of District Court to sign. You will receive a copy.
- ☐ Form #124 Complete and sign.
- ☐ Form #125 Complete caption only.
- ☐ Form #126 Complete caption only.
- ☐ Form #127 Sign and date letter.
- ☐ Form #129 Complete page 1 & 2, sign on page 3

#### STEP 2. -- Making Copies

- ☐ Make 3 copies of Form 123 (Summons)
- ☐ Make 2 copies of Documents #120, 121, 122, 124, 125, 126, 127 & 129

#### STEP 3. -- Filing Your Case With Clerk of Court.

- ☐ Bring the originals and two copies of Form #120, 121, 122, 123 & 124 to the Clerk of District Court’s Office for filing. The Clerk will assign a cause number and department number to identify your case with the Court. One copy will be for your own personal records.
- ☐ \$120.00 Fee -- cash/money order/personal check (subject to change). If you cannot afford the fee, ask the Clerk for the form “Affidavit of Financial Indigence.” If the Judge approves your indigent status, your fees will be waived.
- ☐ The Clerk will file stamp all your documents (copies and originals). The Clerk will keep the originals and give you the copies. One set is to be retained by you. One copy is for service upon the co-parent. The original Summons will be retained by the Clerk of Court and they will issue a Duplicate Original to use for service.

## II. SERVING PAPERS ON THE CO-PARENT:

### STEP 4. -- Serving the co-parent.

**NOTE:** If there is a TOP or Order of Protection that prohibits you from contacting the co-parent, service of these documents must only be accomplished following the directions in #1 or #2 below. You must not personally deliver these documents to the co-parent.

There are three ways to serve the copies of documents you have now prepared on the co-parent.

- 1) You can give the documents to the Sheriff for delivery. You will be charged a fee. If you use this method, fill out Form 128 (Praecipe) which gives the Sheriff directions on who and where to serve the papers. Keep a copy for your records. After service is made, the Sheriff will complete his record of service on page 3 and return it to you with the duplicate original Summons. Both documents then need to be filed with the Clerk of Court.

Documents to Include With the Praecipe Given to the Sheriff's Office:

Copies of Form # 120, 121, 122, (Duplicate Original AND 1 copy of 123), 124, & 129

**OR**

- 2) You can mail the documents. The Clerk of Court will file the original of Form #123 and supply you with copies. Mail copies of Form # 120, 121, 122, 123, 124, & 129 to the other party. **IT IS YOUR RESPONSIBILITY TO MAKE SURE THE OTHER PARTY SIGNS AND RETURNS THE ACKNOWLEDGMENT OF SERVICE FORM.** If signed and returned, file the Acknowledgment of Service form (Form 129).

**OR**

- 3) You can personally deliver copies of Form #120, 121, 122, 123, 124 & 129 to the other party, **UNLESS there is a TOP or Order of Protection in place.** It is your responsibility to make sure the other party signs and returns the Acknowledgment of Service form (Form 129). If signed and returned, file the Acknowledgment of Service form with the Clerk of Court.

### STEP 5. -- Mailing CSED Paperwork.

- |                          |   |                  |  |
|--------------------------|---|------------------|--|
| <input type="checkbox"/> | Mail the following to CSED:<br>Form #125, 126 & 127 -- Originals<br><br>Form #124 -- Copy       | Mailing Address: | Montana D.P.H.H.S.<br>Child Support Enforcement<br>Division<br>2675 Palmer Street - Suite C<br>Missoula MT 59808 |
| <input type="checkbox"/> | CSED will either decline to be involved, or you will be contacted by them for more information. |                  |  |

\*\*\*\*\* IF 20 DAYS PASS AND THE CO-PARENT HAS NOT FILED A RESPONSE TO YOUR PETITION ----- YOU WILL NEED TO PICK UP AND COMPLETE A "PARENTING DEFAULT PACKET" FROM THE CLERK OF DISTRICT COURT.

\*\*\*\*\* DO NOT DISCARD THE BALANCE OF THE DOCUMENTS -- YOU WILL USE THEM!

## IV. REACHING AGREEMENT:

If you can agree on a Parenting Plan, you will not have to appear in Court for a hearing. If you agree, complete Step 6.

### STEP 6. -- Final Agreements.

It is best if you are able to reach an agreement between yourselves on parenting and child support. IF YOU CAN AGREE,

- |                          |            |  |
|--------------------------|------------|--|
| <input type="checkbox"/> | Form # 132 | Complete the caption. The Court may or may not set a hearing.              |
| <input type="checkbox"/> | Form # 135 | Fully complete this form.  |
| <input type="checkbox"/> | Form # 136 | Complete the Stipulated Permanent Parenting Plan                           |
| <input type="checkbox"/> | Form # 137 | Complete the Caption -- Order Adopting Stipulated Permanent Parenting Plan |

(If you need assistance reaching agreement, see the enclosed Resource Sheet listing mediators.)

- ☐ Make 2 copies of each form - one for yourself and one for the co-parent.
- ☐ File original Form #132, 135, 136 & 137 with the Clerk of Court.
- ☐ There may be a short hearing on the best interests of the child(ren). If so, you will receive an Order setting a hearing date. Once the Court approves the Parenting Plan, you will receive a copy of the Order. **YOU ARE DONE!!!**

## V. UNABLE TO REACH AGREEMENT:

If you cannot reach agreement, you have several more steps to complete and will have to appear in Court.

### STEP 7. -- Asking the Court to Decide.

- ☐ Form #130 If you can't agree on parenting and child support, complete this form.
- ☐ Form #131 Complete caption.
- ☐ Form #132 Complete caption. The Judge will set a date to hear evidence on the contested issue(s).
- ☐ Form #133 Complete entirely. The Judge will make amendments, if necessary.
- ☐ Form #134 Complete the caption. Do not sign. (You will sign later - see Step #11.)
- ☐ Form #135 Complete those sections you can. After the hearing you will be expected to **fully** complete the form.

## VI. FINAL PAPERWORK:

### STEP 8. -- Just a Little More !!!

- ☐ Make 2 copies of Form 130 and mail a copy to the co-parent.
- ☐ Make a copy of Form #131, 132, 134 & 135 for your records.
- ☐ Make 3 copies of Form #133. Keep one for your records.
- ☐ Deliver the originals of Form #130, 131, 132, 133, 134, & 135 and the two copies of Form #133 to the Clerk of Court -- **with Form #131 on top**. If the paperwork is not in order, the Court's Reviewer will be in contact with you.
- ☐ You will be notified of the hearing date to decide the issues.

## VII. HEARING IN COURT:

You have chosen to represent yourself. Arrive at the courthouse early. While parenting can be very difficult and emotional, the Court expects the parties to be civil and remain focused on the legal issues.

### STEP 9. -- Court Hearing - on Contested Issues.

Be prepared to present evidence to the Court and discuss your position.

## VIII. AFTER THE HEARING:

### STEP 11. -- Final Paperwork.

- ☐ After the hearing, you must file Form 135 with the Clerk of Court.
- ☐ A filing fee of \$45 (subject to change) must be paid to the Clerk of Court before the Final Decree (Form #133) is filed.
- ☐ Copies of the Final Decree will be available at the Clerk of Court's office. The Clerk's office charges \$10 per copy. However, you have already supplied two extra copies of the Final Decree. The Clerk's office will conform these copies with the original without any cost. The Clerk should then certify the two copies. The cost for certification is \$2.00 each.
- ☐ Form #134 Complete, sign, and mail a copy to your spouse, together with one certified copy of the Final Decree (Form #133) signed by the Judge. File original Form #134 with the Clerk of Court.